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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/826,613	KUMAR ET AL.
	Examiner	Art Unit	
	KENNETH L. BARTLEY	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 December 2007</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3-14,16-28 and 30-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1, 3-14, 16-28, and 30-33</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Receipt of Applicant's amendment filed on December 26, 2007 is acknowledged.

Response to Amendment

2.   Claim 1, 3, 14, and 28 are currently amended. Claims 2, 15, and 29 have been

canceled. Claims 1, 3-14, 16-28, and 30-33 are pending in the application and

are provided to be examined upon their merits.

Response to Arguments

3.   Applicant's arguments with respect to claims 1, 3-14, 16-28, and 30-33 have

been considered but are moot in view of the new ground(s) of rejection. The Examiner

thanks the Applicant for their remarks and, despite the new grounds (new prior art) of

rejection, reviews where appropriate Applicant's arguments and provides a response in

bold.

**The Applicant responds to prior minor claim objection on page 9 of Remarks
page:**
Claims 3-13 are objected to because of the following informalities: the Examiner notices
that dependent claims 16-27 are identified as system claims, but claims 3-13 are not.
The Examiner believes the original intention of claims 3-13 was for these to be product
claims. Assuming Applicant's intention is to make claim 1 a system claim, the Applicant
may wish to be consistent with their other claims. Appropriate correction is required.

Applicant's response
Applicant is clear that claims 1 and 3-13 are claims for a portfolio tracking module,
claims 14 and 16-27 are for a system and claims 28 and 30-33 are for a method.

The Examiner notes that Applicant is stating that claims 1 and 3-13 are product claims. It was unclear to the Examiner if the claims were intended to be system or product claims. In re-reading claim 1, the Examiner realizes that there is confusion in the wording of the claim. For example, "a portfolio-tracking module having a displayable summary interface…" is impossible. Software does not have a displayable summary interface. For example, a portfolio-tracking module is software code that enables or creates a displayable summary interface.

Treating claim 1 as a product claim, the Examiner interprets claim 1 is teaching a software module (tracking module) and that the software module enables or creates on a computer system: 1) automatic navigation; and 2) a display (displayable summary interface). However, the claim reads that the displayable summary interface is also providing a proxy server, which does not makes sense. The Examiner also notes that displays by themselves are considered non-functional descriptive material, which by itself is non-statutory (MPEP §2106.01 II). The statutory component of the claim, the tracking module (which is functional, assuming the Internet server stores the software), is the component that creates the display and the interfaces.

The Examiner will provide 35 U.S.C. §112 ¶2 rejection below where appropriate in order to clarify the claim language.

Applicant responds to 35 U.S.C. §101 rejection on page 9:
Claims 1, and 3-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1, data presented for viewing is considered a disembodied data structure if there is no link, for example, to a system. Without a link, the viewing area is unable to cause a change, and is therefore nonfunctional (MPEP 2016.01 I).
Claims 3-13 are rejected because they depend from claim 1.

Applicant's response
Applicant points out that claim 1, as amended, now recites a software suite operating on a computerized device wherein a user working from within the module interacts with selected ones of interactive links invoking a variety of secondary interfaces containing more detailed information aggregated from the aggregated data about registered investments, financial accounts, and performance data about stocks and the aggregated data is sourced at least in part from the financial information gathered by the proxy server.
Applicant argues that there is a link from the main interface to secondary interfaces which constitutes a "change" as required. Therefore, the claim includes statutory subject matter.

Noted. However the Examiner at the time believed Applicant was describing a system claim. For product claims involving software, software unless it is stored

on a recording media of some type is considered abstract (would require a 35
U.S.C. §101 rejection). However, the claim is teaching "software suite operating
on an Internet connected server system..." While the Examiner would prefer
some statement of storage of the software on a recordable media, the Examiner
interprets the above statement to cause the software to be enabled by the server,
which would have storage capability.

Applicant responds to 35 U.S.C. §103 rejection on page 10:
Applicant provides copy of Examiner's rejection on pages 10-13 (omitted here).

**Applicant provides a response to the rejection by amending claims 1, 14, and 28,
beginning on page 13:**
Applicant herein amends claims 1, 14 and 28 to specifically recite that a proxy server
provides automatic navigation to Web pages provided by financial institutions for users
to log-in and access their stock and investment accounts at the institutions, the software
accessing the user's accounts by logging in with the user's password and user name, as
if the user, accessing financial information held in the accounts and manipulating the
accounts, as if the user; and the aggregated data is sourced at least in part from the
financial information gathered by the proxy server.

The Examiner notes the following points:
**1. Data is compiled form a <u>plurality of Web pages</u> provided by financial
institutions.**
The implication is data is being read or gathered from the Web pages themselves.

**2. The software is accessing the users accounts and logging into the accounts
with users' name, password and once logged in is obtaining financial information
and manipulating same.**

3. Aggregated data sourced from the financial information gathered.

**Applicant continues at bottom of page 13, emphasizing points (Examiner
underlines points):**
Applicant's invention is absolutely unique in that the <u>software and system actually do the
navigation and manual work usually required by an account holder to access his/her
information from financial institutions</u> providing Web site access to end user account
holders. In applicant's invention the system accesses accounts owned by individual
users at financial institutions via the exact same data path the user would use to access
his/her account, which is the user's account log-in and access page provided by the
financial institution. With this unique system there is no requirement for an information
gathering system to negotiate a data access link other than what the firm already offers
its customers. There is <u>no need for the system to prearrange communication links with
databases</u> belonging to financial institutions, specific commands to receive data,
specific data ordering methods, or anything of the sort. Applicant's system accesses the

financial information via a Web page using already established user identification and passwords. In this manner the financial institutions are unaware that an automated system is accessing the user's financial information and not the user him/her self. (pages 31-34; page 75, lines 15-22)

The Applicant points out Examiners prior art on page 14:
The Examiner provides Chaffee to teach an ability to assemble portfolio information received from databases of financial institutions providing a pre-arranged, direct link between the system of Chaffee and the database. The Examiner admits Chaffee fails to accessing Web sites. The Examiner relies upon the art of Kerr to teach accessing Web sites using the Internet.

The Examiner notes that Chaffee teaches accessing different financial institution sites to assemble portfolio information, but does not do this by accessing the Web sites of the financial institutions.

Applicant argues Kerr on page 14:
Applicant argues Kerr teaches a system for managing a data file of user names and passwords for users, wherein the system matches selected URLs from a user while browsing and sends the associated name and password to the user's browser for log-in purposes. Applicant argues that Kerr does not access Web sites, the user manually navigates to the Web site with a URL and the system of Kerr merely matches the URL with name and password for the user. Therefore, the system of Kerr actually does not access the Web site, as stated by the Examiner, the user does. Kerr teaches the following:

>   "Hereafter, whenever the user accesses a new-Uniform Resource Locator
>   address (URL) (step 316), the plug-in automatically searches for a record in the
>   User Data that corresponds to that URL (step 318). If the URL is found, the plug-
>   in validates the corresponding User Data (step 320) then uses the information in
>   the User Data to automatically login to that URL based on the Log-In data-stored
>   in the User Data (step 322). If an automatic login is unsupported by that particular
>   URL site, the login data from the User Data will be stored into a "clipboard"
>   memory on the user's system for easy access. (col. 4, 57-67)"

The Applicant is arguing the feature of automatic navigation to Web pages, and that Kerr does not teach this feature. Applicant is arging Kerr requires manually going to a web site, even though Kerr teaches automatic login with password at the web site.

Applicant continues on page 15:
Further the Examiner takes "Official Notice" that proxy servers and parsing information to retrieve data is old and well known. Therefore, it would have been obvious to one skilled in the art at the time of invention to include proxy servers and parsing of web site

data and that the proxy server would improve system performance and parsing data would permit, for example, collection of financial data from a web site for analysis.

Applicant argues that it is not well known <in> the art to provide a proxy server providing automatic navigation to the Web pages for users to log-in and access their stock and investment accounts at the institutions, the software accessing the user's accounts by logging in with the user's password and user name, as if the user, accessing financial information held in the accounts and manipulating the accounts, as if the user, is not known in the art. Applicant respectfully requests the Examiner provide valid art to teach said limitation.

The Examiner argued in the prior office action that <u>proxy server</u> and <u>parsing data from a web site</u> was old and well known, not the details listed above, which the Examiner used other art to teach.

The Examiner cites MP Computer Dictionary (Mircosoft Press, Computer Dictionary, 1997, 3rd ed., pp. 355, 387, and 506). Specifically:

Proxy Server:
"A <u>proxy server</u> "...manages internet traffic... and can provide other features, such as document caching and <u>access control</u>. A proxy server can <u>improve performance</u> by <u>supplying frequently requested data</u>, such as a popular <u>Web page</u>…" (MP Computer Dictionary, pg. 387)

Parse wrt web site
Parse:
"To <u>break input into smaller chunks</u> so that a program can act upon the <u>information</u>." (MP Computer Dictionary, pg. 355)
Web Site:
"A group of related <u>HTML documents and associated files, scripts and databases</u>..." (MP Computer Dictionary, pg. 506).

Therefore, information at web sites can be parsed.

The Examiner further notes that parse is no longer taught in the claim.

<u>The Applicant concludes on page 15:</u>
Applicant believes claims 1, 14 and 28, as amended, are patentable over the art and the Examiner's "Official Notice". Dependent claims 3-13, 16-27 and 30-33 are patentable on their own merits, or at least as depended from a patentable claim.

The Examiner thanks the Applicant for the careful response, however, the

Examiner respectfully disagrees based on the above reasons and new cited art (below).

Specification

4.　　　The disclosure is objected to because of the following informalities: Applicant cites Ser. No. 09/523,598, which should be 09/353,598.

　　　　Appropriate correction is required.

Claim Objections

5.　　　Claim 1 is objected to because of the following informalities: the term "as if the user" is used twice, and is awkward. The Examiner interprets the claim to say "…the software automatically accesses and logs into user's accounts by providing the user's account name and password, and then once logged in, accesses the financial information..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

6.　　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.　　　Claims 1, and 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8.　　　Claim 1 teaches "…a portfolio-tracking module having a display summary interface…" where it is impossible for software to "have" a displayable interface. The

Examiner assumes this to mean "...a portfolio-tracking module that enables a

displayable summary interface."

9.   Claim 1 teaches "...a portfolio-tracking module having a displayable summary

interface comprising: …" where it is unclear to the Examiner if it is module or interface

that "comprising" refers to. For example, "a proxy server providing automatic navigation

appears to relate to the module, but "an interactive main interface" appears to relate to

the displayable summary interface." For purposes of the Examination, the Examiner

interprets this to mean a tracking module that provides both a proxy server and a

displayable summary interface where a proxy server provides automatic navigation …

and the displayable summary interface comprises: an interactive main interface..., etc.

10.   Claims 5, 7-8 recites the limitation "the remote node." There is insufficient

antecedent basis for this limitation in the claim.

11.   Claims 3-13 are rejected because they depend from claim 1.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

        obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
   the prior art are such that the subject matter as a whole would have been obvious at the time the
   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
   Patentability shall not be negatived by the manner in which the invention was made.

13.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148
        USPQ 459 (1966), that are applied for establishing a background for determining
        obviousness under 35 U.S.C. 103(a) are summarized as follows:
        1.   Determining the scope and contents of the prior art.

      2.   Ascertaining the differences between the prior art and the claims at issue.

      3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

14.   Claims 1, 3-14, 16-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,165,044 to Chaffee in view of **U.S. Patent No. 6,826,553 to DaCosta et al.** and in further view of Official Notice.

The prior rejection regarding Chaffee is presented below, with added material presented in **bold.**

15.   Regarding applicant claims 1, 3-5, 12, 14, 17-18, 25-26, 28, and 31, Chaffee discloses:

    a. A computer based "…investment tracking system that is able to retrieve transaction data from a plurality of different accounts to generate a single financial report that is representative of the collective performance of all of the different accounts." (col. 2, lines 51-55) It is possible to view and edit (manipulate) data (col. 5, lines 27-29 and 50-51). This is available through a computer connected to a remote server, which can be linked to the Internet (which is a data-packet-network) (col. 4, lines 19-27 and Fig. 1);

    b. A "general information" web page (col. 5, lines 15-17 and Fig. 4) that can be accessed via a hyperlink from a "home page" (col. 4, lines 48-59 and Fig. 2);

    c. A "portfolio summary" page (col. 5, lines 27-32 and Fig. 8), that can be accessed via a menu (col. 5, lines 27-29) and hyperlink from the general information web page (col. 5, lines 15-17 and Fig. 4);

d. A "portfolio summary" page (col. 5, lines 32-35 and Fig. 8) from which individual investment accounts can be linked (col. 6, lines 60-65) and reports (views of account and stock detail) obtained from a drop down menu (col. 8, lines 33-37). Reports are auditable, which could then be used for data tracking (col. 6, lines 65-67);

e. Portfolios (and their accounts) selected to be tracked are listed and can be selected individually or as "ALL" (Fig. 4, Ref. 126);

f. A hyperlink from the "general information" web page to a "portfolio add" web page to add new investment accounts (col. 5, lines 36-37 and Figs. 4 and 5). Presumably, a spouses account could also be accessed and combined in a portfolio for shared stock information;

g. Access to financial institution databases (col. 4, lines 13-18) through a remote server, which acts as an investment portfolio tracking system (col. 3, lines 63-66 and Fig. 1), via the Internet (col. 2, lines 56-62). Financial institutions include brokerage houses, investment banks, on-line brokers, etc., which would therefore be available to the public (col. 4, lines 4-7);

h. An intranet or local server network for users, which can be linked to a remote server (col. 4, lines 22-27 and col. 11, lines 52-56) investment portfolio tracking system.

Chaffee teaches a computer based system for retrieving transaction data from a plurality of different accounts to create a financial report, using the Internet to access financial institution databases.

Chaffee fails to teach navigating to and logging into web sites as if by a user and collecting information from the web sites.

However, DaCosta et al., teaches a known technique of accessing web sites as if by a user by navigating to and automatically logging into the web site and collecting information from the web site. DaCosta et al. specifically teaches:

> **"One embodiment of the present invention provides <u>a system for collecting unstructured data from one or more web sites on the Internet and providing structured data</u>, for example, to navigate to multiple web sites and extract data snippets. The system in accordance with one embodiment of the present invention enables the process of <u>collecting such data to be automated so that one or more target data sources can be constantly monitored</u>." (col. 2, lines 11-18)**

> **"A further object of the present invention is to provide a computerized tool capable of <u>automatically navigating to a plurality of destination web sites</u>, <u>extracting select pieces of data therefrom</u>, processing the extracted data and displaying the processed data in an organized format." (col. 2, lines 4-8)**

> **"The system of the present invention preferably <u>comprises a navigation module</u> that <u>accesses one or more web pages or other web-accessible</u>**

documents. The navigation module provides the capability for a user to specify and store a procedure such as a series of clicks and entries of information, for example, <u>a user name and password, to access a web page or other web-accessible document</u>, as well as the capability to perform the procedure to actually <u>access the web page or other web-accessible document in an automated manner</u>. The system in accordance with the present invention also preferably comprises an extraction module that <u>scrapes information from the accessed web page or other web-accessible document</u>." (col. 2, lines 55-67)

"In summary, the system of the present invention provides an <u>engine for accessing data on one or more web pages or other web-accessible documents primarily intended for human readability preferably using a browser, for scraping web page or other web-accessible document data identified by a user as being relevant </u>and for structuring the collected data so that relevant data is in a structured form that can be utilized by a microprocessor-based device. Using a convenient visual programming interface, <u>the user can automate collection of data from the Internet</u> and transform the data to a machine usable format such that the unstructured data available on the Internet can be stored and later processed, effectively converting document-centric information to database-centric information and thus to accessible intelligence." (col. 3, lines 53-67)

**This known technique of accessing web sites is applicable to the system of
Chaffe as they both share the characteristics of using the Internet to
automatically obtain data.**

**One of ordinary skill in the art at the time of invention would have
recognized that applying the known technique of DaCosta et al. would have
yielded the predictable results of an improved system. It would have been
recognized that applying the technique of DaCosta et al. to the teachings of
Chaffee would have yielded the predictable results of accessing data by web sites
demonstrated by DaCosta et al., and that accessing data using web sites with
Chaffee's system would have been recognized by those of ordinary skill in the art
as resulting in an improved system that would allow for direct access to the
different sites and their data and not require pre-approval to directly access
financial institution databases.**

16.   Regarding claims 6, 16, 22 and 30, Chaffee discloses that financial reports can
       be generated by a browser using HTML (col. 9, lines 17-19).

17.   Regarding claims 7, 8, 19, 20, 32 and 33, Chaffee discloses hand-held
       computers that can be wireless, and wireless communication can use cellular
       connections, which would allow for cellular telephone (col. 4, lines 19-27).

18.   Regarding claims 9, 13, 23, and 24, Chaffee discloses an "add" link that can
       automatically go to a financial institutions web site and provide information
       regarding an investment account (col. 5, lines 40-46 and Figs. 4 and 5).

Presumably, the investment accounts could include IRA's, money market, and
retirement accounts.

19.　　Regarding claim 10, Chaffee provides that information is updated when the user
accesses the general information page (col. 5, lines 21-23), which occurs at login
(col. 9, lines 24-27 and Fig. 11);

20.　　Regarding claim 11, Chaffee allows that information can be updated at times
specified by a user (col. 11, lines 29-31).

21.　　Regarding claim 21, Chaffee provides that financial reports are generated from
information stored on a database on a server (col. 6, lines 18-24 and Fig. 1, Ref.
30).

22.　　Regarding claim 27, Chaffee discloses a "view" hyperlink (col. 5, lines 27-29, Ref.
121) in the "general information" web page that links to a portfolio summary
display (Fig. 8). Other financial information, such as number of shares and total
value of a stock can be listed (col. 6, lines 60-62 and Fig. 9A-9V).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kenneth L. Bartley whose telephone number is (571)
272-5230. The examiner can normally be reached on Monday through Friday, 8:00 -
5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH PATEL/

Primary Examiner, Art Unit 3693